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IN THE CIRCUIT COURT OF THE 4TH
JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA

THOMAS G. FALLIS, P.A.,

Plaintiff,

v.

CASE NO. 16-2018-CA-004653-XXXX-MA

WSS PARTNERSHIP, a Florida general
partnership, CHARLES THOMAS SHAD,
JOHN R. SAALFIELD, MIRIAM F.
WILLIAMS, TAMMY DOERER, ALANE
DUCHARME, TERRY WILLIAMS,
DAWN LEITZ A/K/A DAWN MENDEZ,
THE UNKNOWN HEIRS, DEVISEES,
CREDITORS OR OTHER PERSONS
CLAIMING BY, THROUGH, UNDER OR
AGAINST, ROLAND E. WILLIAMS, JR.,
DECEASED,

Defendants.

**PLAINTIFF'S MOTION TO VACATE FINAL JUDGMENT BY AGREEMENT AND
DEFAULT ENTERED SEPTEMBER 27, 2018, AND CORRECTED MOTION FOR
ENTRY OF FINAL JUDGMENT BY AGREEMENT AND DEFAULT**

Plaintiff, THOMAS G. FALLIS, P.A., files its Motion to Vacate Final Judgment by Agreement and Default Entered September 27, 2018, and Corrected Motion for Entry of Final Judgment by Agreement and Default, and in support thereof respectfully states the following:

1. Plaintiff filed its Motion for Entry of Final Judgment by Agreement and Default on September 21, 2018. The proposed Final Judgment by Agreement and Default was attached to the Motion as Exhibit A.
2. The Court granted the Motion and entered the proposed Final Judgment by Agreement and Default on September 27, 2018.

3. By oversight and mistake, Plaintiff's counsel attached the wrong version of the proposed Final Judgment to the Motion. That version incorrectly omitted Paragraph D in the decretal portion, which reads: "Each party shall bear its/his/her own attorneys' fees and costs."

4. Accordingly, the Final Judgment by Agreement and Default entered on September 27, 2018 should be vacated pursuant to Fla.R.Civ.P. 1.540 (a) or (b)(1).

5. Plaintiff moves for entry of the Final Judgment by Agreement and Default attached hereto as **Exhibit A**, based on the reasons set forth in Plaintiff's Motion for Entry of Final Judgment by Agreement and Default filed on September 21, 2018.

WHEREFORE, Plaintiff, THOMAS G. FALLIS, P.A., prays for the Court to enter an order granting its Motion to Vacate Final Judgment by Agreement and Default Entered September 27, 2018, and Corrected Motion for Entry of Final Judgment by Agreement and Default, and for such other relief as the Court deems proper.

Dated this 1st day of October, 2018.

FIDELITY NATIONAL LAW GROUP
Counsel for Plaintiff, Thomas G. Fallis, P.A.
200 W. Cypress Creek Road, Suite 210
Fort Lauderdale, Florida 33309
Telephone No: (954) 414-2106
Facsimile No: (954) 414-2101
David.quinn@fnf.com
pleadingsfl@fnf.com

By: /s/ David S. O'Quinn, Esq.
David S. O'Quinn, Esq.
Florida Bar No. 150290

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via U.S. Mail (or as otherwise noted) this 1st day of October, 2018 to:

WSS Partnership
c/o Charles Thomas Shad, General Partner
1251 E. Coast Drive
Atlantic Beach, Florida 32233

Charles Thomas Shad
1251 E. Coast Drive
Atlantic Beach, Florida 32233

John R. Saalfeld
8251 Gardenvue Court
Jacksonville, Florida 32256

Miriam F. Williams
4300 S. Beach Parkway, Apt. 4101
Jacksonville, Florida 32250

Tammy Doerer
202 Rockin Chair Court
Enterprise, AL 36330

Alaine Ducharme
2676 NW 83rd Way
Pembroke Pines, Florida 33024

Terry Williams
2401 NE 65th Street, Apt. 501
Fort Lauderdale, Florida 33308

Dawn Leitz a/k/a Dawn Mendez
2416 NE 17th Terrace
Wilton Manors, Florida 33305

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DAWN LEITZ MENDEZ,
THE UNKNOWN HEIRS, DEVISEES,
CREDITORS OR OTHER PERSONS
CLAIMING BY, THROUGH, UNDER OR
AGAINST, ROLAND E. WILLIAMS, JR.,
DECEASED,

Defendants.

FINAL JUDGMENT BY AGREEMENT AND DEFAULT

Plaintiff, Thomas G. Fallis, P.A. ("Plaintiff"), and Defendants WSS Partnership, a Florida General Partnership ("WSS"), Charles Thomas Shad ("Shad"), John R. Saalfield ("Saalfield"), Miriam F. Williams ("M. Williams"), Tammy Doerer ("Doerer"), Alaine Ducharme ("Ducharme"), Terry Williams ("T. Williams") and Dawn Leitz Mendez ("Mendez"), as set forth below and as evidenced by their signatures below, agree to the entry of Final Judgment in favor of Plaintiff, Thomas G. Fallis, P.A., on Counts I and II of its Complaint filed July 12, 2018.

The remaining Defendants, the unknown heirs, devisees, creditors or other persons claiming by, through, under or against Roland E. Williams, Jr., deceased, were properly served by publication, and failed to file any paper in response to the Complaint by the date set forth in the published service. A Clerk's Default was entered on September 7, 2018, and the Court enters final

judgment by default against the unknown heirs, devisees, creditors, or other persons claiming by, through, under or against Roland E. Williams, Jr. pursuant to Fla.R.Civ.P. 1.500(e).

AGREEMENT

1. Plaintiff, Thomas G. Fallis, P.A., agrees to the entry of judgment in its favor as to Counts I and II of its Complaint filed on July 12, 2018, and to the dismissal, with prejudice, of Count III of the Complaint, as set forth below.

2. Defendant Shad, by his signature below, acknowledges receipt of the Complaint, waives all further process, service of process and the right to file a responsive pleading. He acknowledges that the Court has subject matter jurisdiction and agrees to the entry of judgment in favor of Plaintiff on Counts I and II of the Complaint, as set forth below. Shad represents to Plaintiff that he and Defendant Saalfield are the sole surviving general partners of WSS.

3. Defendant Saalfield, by his signature below, acknowledges receipt of the Complaint, waives all further process, service of process and the right to file a responsive pleading. He acknowledges that the Court has subject matter jurisdiction and agrees to the entry of judgment in favor of Plaintiff on Counts I and II of the Complaint, as set forth below. Saalfield represents to Plaintiff that he and Defendant Shad are the sole surviving general partners of WSS.

4. Defendant WSS, by the signature of its two surviving general partners, Defendants Shad and Saalfield, acknowledges receipt of the Complaint, waives all further process, service of process and the right to file a responsive pleading. It acknowledges that the Court has subject matter jurisdiction and agrees to the entry of judgment in favor of Plaintiff on Counts I and II of the Complaint, as set forth below.

5. Defendant M. Williams, by her signature below, acknowledges receipt of the Complaint, waives all further process, service of process and the right to file a responsive pleading. She

acknowledges that the Court has subject matter jurisdiction and agrees to the entry of judgment in favor of Plaintiff on Counts I and II of the Complaint, as set forth below.

6. Defendant Doerer, by her signature below, acknowledges receipt of the Complaint, waives all further process, service of process and the right to file a responsive pleading. She acknowledges that the Court has subject matter jurisdiction and agrees to the entry of judgment in favor of Plaintiff on Counts I and II of the Complaint, as set forth below.

7. Defendant Ducharme, by her signature below, acknowledges receipt of the Complaint, waives all further process, service of process and the right to file a responsive pleading. She acknowledges that the Court has subject matter jurisdiction and agrees to the entry of judgment in favor of Plaintiff on Counts I and II of the Complaint, as set forth below.

8. Defendant T. Williams, by her signature below, acknowledges receipt of the Complaint, waives all further process, service of process and the right to file a responsive pleading. She acknowledges that the Court has subject matter jurisdiction and agrees to the entry of judgment in favor of Plaintiff on Counts I and II of the Complaint, as set forth below.

9. Defendant Mendez, by her signature below, acknowledges receipt of the Complaint, waives all further process, service of process and the right to file a responsive pleading. She acknowledges that the Court has subject matter jurisdiction and agrees to the entry of judgment in favor of Plaintiff on Counts I and II of the Complaint, as set forth below.

10. Defendants M. Williams, Doerer, Ducharme, T. Williams and Mendez represent to Plaintiff that they, collectively, are all of the known heirs-at-law of Roland E. Williams, Jr., who passed away on April 22, 2013 and who died intestate.

Based on the agreement of the parties and the final judgment by default against the unknown heirs, devisees, creditors or other persons claiming by, through, under or against Roland E. Williams, Jr., deceased, it is:

ORDERED, ADJUDGED AND DECREED:

A. Judgment is entered in favor of Plaintiff on Count I of its Complaint. The Warranty Deed dated April 27, 2000 by and between WSS, a Florida general partnership, as Grantor and Thomas G. Fallis, P.A. as Grantee, recorded on May 4, 2000 at Book 9614, Page 1930 *et seq.* in the Official Record of Duval County, Florida, is hereby reformed to substitute Roland E. Williams and Charles Thomas Shad, as tenants-in-common, for WSS Partnership, a Florida General Partnership, as the Grantor of the Deed, based upon the mutual mistake of the parties as to the identity of the correct Grantor.

B. Judgment is entered in favor of Plaintiff on Count II of its Complaint. The Court finds and declares that Plaintiff acquired title to the Property identified in Paragraph 14 of the Complaint by adverse possession as recognized by Florida statutory and decisional law, and that Plaintiff's title is quieted against any and all right, title, claim or interest which any Defendant hereto may have in or to the Property.

C. Count III of Plaintiff's Complaint is dismissed, with prejudice.

D. Each party shall bear its/his/her own attorneys' fees and costs.

E. The Clerk is directed to record this Final Judgment by Agreement and Default, indexed to Roland E. Williams, Charles Thomas Shad, WSS Partnership and Thomas G. Fallis, P.A.

DONE AND ORDERED in Chambers at Jacksonville, Duval County, Florida this

_____ day of _____, 2018.

Robert M. Dees, Circuit Court Judge

Service List:

WSS Partnership
c/o Charles Thomas Shad, General Partner
1251 E. Coast Drive
Atlantic Beach, Florida 32233

Charles Thomas Shad
1251 E. Coast Drive
Atlantic Beach, Florida 32233

John R. Saalfeld
8251 Gardenvue Court
Jacksonville, Florida 32256

Miriam F. Williams
4300 S. Beach Parkway, Apt. 4101
Jacksonville, Florida 32250

Tammy Doerer
202 Rockin Chair Court
Enterprise, AL 36330

Alaine Ducharme
2676 NW 83rd Way
Pembroke Pines, Florida 33024

Terry Williams
2401 NE 65th Street, Apt. 501
Fort Lauderdale, Florida 33308

Dawn Leitz a/k/a Dawn Mendez
2416 NE 17th Terrace
Wilton Manors, Florida 33305

Agreement to Final Judgment – Thomas G. Fallis, P.A.

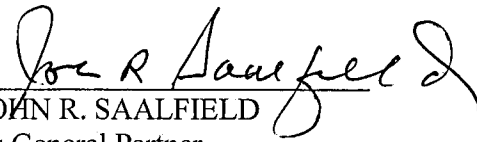

THOMAS G. FALLIS
Its President

Agreement to Final Judgment – WSS Partnership, a Florida General Partnership

A handwritten signature in black ink, appearing to read "Charles T. Shad", written over a horizontal line.

CHARLES THOMAS SHAD
Its General Partner

Agreement to Final Judgment – WSS Partnership, a Florida General Partnership


JOHN R. SAALFIELD
Its General Partner

Agreement to Final Judgment – Charles Thomas Shad

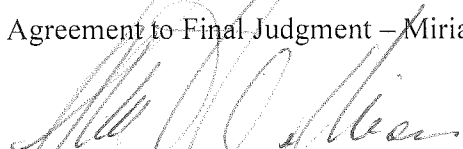


CHARLES THOMAS SHAD

Agreement to Final Judgment – John R. Saalfield


JOHN R. SAALFIELD

Agreement to Final Judgment – Miriam F. Williams


MIRIAM F. WILLIAMS

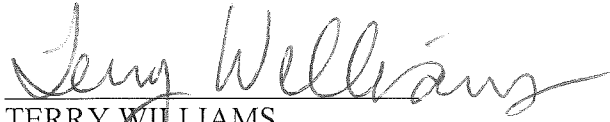
Agreement to Final Judgment – Tammy Doerer


TAMMY DOERER

Agreement to Final Judgment – Alaine Ducharme


ALAIN DUCHARME

Agreement to Final Judgment – Terry Williams


TERRY WILLIAMS

Agreement to Final Judgment – Dawn Leitz Mendez


DAWN LEITZ MENDEZ

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